

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

239D0519

HOUSE BILL NO. 1112

Introduced by: Representatives Hunt, Apa, Engbrecht, Fitzgerald, McIntyre, Sutton (Duane),
Wilson, and Young and Senators Daugaard, Flowers, Lawler, and Munson
(David)

1 FOR AN ACT ENTITLED, An Act to authorize a merchant to detain certain persons who are
2 under legal age and who have illegally purchased, attempted to purchase, or possess
3 alcoholic beverages or tobacco products.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any merchant who is a licensee under this title, or the merchant's employee, who has
8 reasonable grounds to believe a person under the age of twenty-one has illegally purchased,
9 attempted to purchase, or possess alcoholic beverages or has misrepresented the person's age
10 with the use of any document for purposes of purchasing or attempting to purchase alcoholic
11 beverages from the merchant or the merchant's employee, may detain the person, on the premises
12 of the merchant's establishment, in a reasonable manner and for a reasonable length of time:

- 13 (1) To request identification;
- 14 (2) To verify the identification;
- 15 (3) To make reasonable inquiry as to whether the person has violated § 35-9-2;
- 16 (4) To inform a law enforcement officer of the detention of the person and surrender that

1 person to the custody of a law enforcement officer; or

2 (5) In the case of a minor, to inform a law enforcement officer or the parents, guardian,
3 or other private person interested in the welfare of that minor of this detention and to
4 surrender custody of the minor to that person.

5 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a merchant chooses to implement the provisions of section 1 of this Act, the merchant shall
8 conspicuously post a notice, on the merchant's premises, stating that any person who the
9 merchant reasonably believes was under the age of twenty-one and has attempted to purchase
10 alcoholic beverages, will be detained and surrendered to a law enforcement officer.

11 Section 3. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any merchant who has reasonable grounds to believe that a minor has illegally purchased,
14 attempted to purchase, possess, or consume a tobacco product, in violation of § 34-46-2, may
15 detain the minor, on the premises of the merchant's establishment, in a reasonable manner and
16 for a reasonable length of time:

17 (1) To request identification;

18 (2) To verify the identification;

19 (3) To make reasonable inquiry as to whether the minor has violated § 34-46-2 in any
20 manner;

21 (4) To inform a law enforcement officer of the detention of the person and surrender that
22 person to the custody of a law enforcement officer; or

23 (5) To inform a law enforcement officer or the parents, guardian, or other private person
24 interested in the welfare of that minor of this detention and to surrender custody of
25 the minor to that person.

1 Section 4. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 If a merchant chooses to implement the provisions of section 3 of this Act, the merchant shall
4 conspicuously post a notice, on the merchant's premises, stating that any person who the
5 merchant reasonably believes was under the age of eighteen, has attempted to purchase tobacco
6 products, will be detained and surrendered to a law enforcement officer.